

## **BEST AVAILABLE COPY**

### **IV. REMARKS**

1. Claims 1-20 have been cancelled without prejudice. Claims 21-49 are new.

2. In the Office Action Summary in Box 12c and in the Detailed Action the Examiner indicates that Applicants have not filed the certified copy of the priority document.

Applicants mailed a certified copy of Finland foreign priority Application 20001741 to the USPTO on 2 August 2001, concurrent with the filing of this application.

Attached to this response is a copy of the Certificate of Mailing listing a New Application Transmittal, a copy of the New Application Transmittal listing the priority document, a copy of the Transmittal of Certified Copy, and a copy of the first two pages of the priority application, all mailed on 2 August 2001.

Therefore, Applicants respectfully submit that a certified copy of Finland foreign priority Application 20001741 was in fact submitted to the USPTO and request an acknowledgement that the priority document was received.

3. The Abstract of the Disclosure has been amended to comply with MPEP 608.01(b).

4. The spelling of "utilising" has been corrected on page 7.

5. The objection to claim 5 and the rejection of claims 18 and 20 are respectfully submitted as moot because the claims have been cancelled.

6. Applicants respectfully submit that none of the claims are anticipated by Luzeski et al. (US 6,430,177, "Luzeski").

Luzeski fails to disclose or suggest using a message server to receive content including a streamable media component and information describing the streamable media component, sending information describing the streamable media component from the messaging server to a recipient wireless terminal, and forming a streaming session between the messaging server and the recipient wireless terminal, using the information describing the streamable media component, as substantially recited by claims 21, 37, 47, 48, 55, and 59.

The present invention differs from Luzeski in that the claimed invention is wireless. In addition, Luzeski fails to disclose or suggest a streamable media component and forming a streaming session as defined by the present application.

Luzeski discloses on column 20, lines 55 onwards, that the subscriber clicks on a voice message to open it. This causes a Logon ID and URL information to be sent to the Session Manager 14 and be passed to the Session Manager 10-5. Then, the session manager gets and sends the voice info in segments to the Web server 14, which passes them to the subscriber PC Web plug-in. After all the segments are received, the plug-in plays the voice data. This is what column 12, lines 44 to 47 refer to by "streaming the data back to the plugin via the Web Server." There may be a data stream sent to the plugin, but there is no streaming in its established sense, i.e. playing back data while subsequent portions of the data are being received.

Applicants refer to the present specification, for example, page 4, lines 12-25 where streaming is defined as presenting a media stream while the stream is being transmitted.

Therefore, Luzeski does not disclose streaming, that is, Luzeski fails to disclose or suggest streaming in the sense that it is presented in the present application and as it is generally understood among the skilled persons in this field.

7. Applicants respectfully submit that the claims are patentable over the combination of Luzeski and Baber et al. (US 6,658,485, "Baber").

Baber, like Luzeski, fails to disclose or suggest streaming. Baber discloses a data delivery arrangement where the priority of data in the queue may be adapted so that improved user experience follows. The term "message" is broadly defined as interchangeable with "file" when referring to data being sent throughout the network unless otherwise stated, see col. 2, lines 42 to 45. While Baber may disclose notifying of content generally and delivering content, Baber, like Luzeski, fails to disclose or suggest forming a streaming session based on information describing the content. While Baber may disclose data transfer generally, there is nothing in Baber related to any messaging service or streaming.

8. Applicants respectfully submit that the claims are patentable over the combination of Luzeski and Cannon et al. (US 6,014,706, "Cannon").

Cannon discloses a method for displaying streamed digital video data on a client computer (abstract). Cannon also seems to disclose creating a video data file that may subsequently be


requested for display on a video display of another computer connected to the same client-server computer network. Cannon clearly teaches away from streaming in wireless systems: even internet and corporate networks were seen poorly fitted for real-time video streaming, see column 2, lines 31 to 58. Overall, Cannon deals with live video transmissions in wired computer networks and teaches features that aim to allow the receiving end to use control features such as rewind, forward, play and pause when receiving a video stream. Therefore, Cannon seems to focus on the user side and the teachings are related to the solutions to allow better control for the user over the played media.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$1070.00 is enclosed for a one (1) month extension of time (\$120.00) and for the additional claims (\$950.00).

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
Joseph V. Gamberdell, Jr.  
Reg. No. 44,695

21 April 2005  
Date

Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800  
Customer No.: 2512

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Date: 4/21/05

Signature:   
Person Making Deposit

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **Miraj MOSTAFA**

Docket No.

**442-010509-US(PAR)**

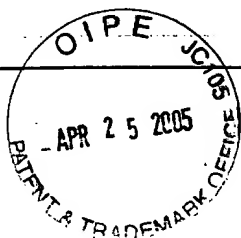
Serial No.

Filing Date  
Herewith

Examiner

Group Art Unit

Invention:

**A COMMUNICATION SERVICE**

I hereby certify that this New Application Transmittal, patent application and accompanying papers  
(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under  
37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C.

20231-0001 on August 2, 2001  
(Date)

Shauna Murphy

(Typed or Printed Name of Person Mailing Correspondence)

A handwritten signature in cursive script that reads "Shauna Murphy".

(Signature of Person Mailing Correspondence)

EL627431062US

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

**COPY**

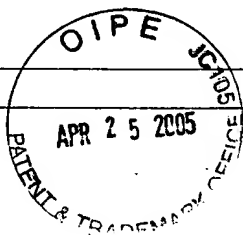
**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)***(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.  
442-010509-US(PAR)Total Pages in this Submission  
4**TO THE ASSISTANT COMMISSIONER FOR PATENTS**Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

A COMMUNICATION SERVICE

and invented by:

Miraj MOSTAFA



If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 29 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☐ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Microfiche Appendix (if applicable)
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if drawings filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

**COPY**

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
442-010509-US(PAR)

Total Pages in this Submission  
4

**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☐ Formal Number of Sheets \_\_\_\_\_
- b. ☒ Informal Number of Sheets 5
4. ☐ Oath or Declaration
- a. ☐ Newly executed *(original or copy)* ☐ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☐ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied  
under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6. ☐ Computer Program in Microfiche *(Appendix)*
7. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Paper Copy
- b. ☐ Computer Readable Copy *(identical to computer copy)*
- c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

8. ☐ Assignment Papers *(cover sheet & document(s))*
9. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☒ Information Disclosure Statement/PTO-1449 ☒ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing

☐ First Class ☒ Express Mail *(Specify Label No.):* EL627431062US

**COPY**



**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
442-010509-US(PAR)

Total Pages in this Submission  
4

**Accompanying Application Parts (Continued)**

15. ☒ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☒ Additional Enclosures *(please identify below):*

Applicant claims priority from Finnish Patent Application No. FI 20001741 filed 2 August 2000.

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

17. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

*An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.*

**COPY**

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
442-010509-US(PAR)

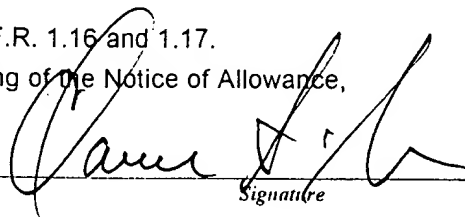
Total Pages in this Submission  
4

**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	20	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	6	- 3 =	3	x \$80.00	\$240.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$710.00
OTHER FEE (specify purpose) _____					\$0.00
TOTAL FILING FEE					\$950.00

- ☒ A check in the amount of \$950.00 to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 16-1350 as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

  
Signature

Clarence A. Green, Reg. No.: 24,622  
Perman & Green, LLP  
(203) 259-1800

Customer No.: 2512

**COPY**

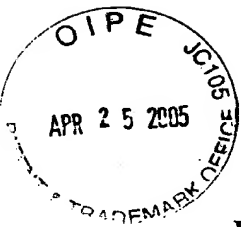
Dated: 2 August 2001

cc:

**BEST AVAILABLE COPY**

Attorney's Docket No.: 442-010509-US(PAR)

**PATENT**



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Express Mail No.: EL627431062US  
In re application of: Miraj MOSTAFA  
Serial No.: 0 /  
Filed: Herewith  
For: A COMMUNICATION SERVICE

Group No.:

Examiner:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**TRANSMITTAL OF CERTIFIED COPY**

Attached please find the certified copy of the foreign application from which priority is claimed for this case:

Country : Finland  
Application Number : 20001741  
Filing Date : 2 August 2000

**WARNING:** "When a document that is required by statute to be certified must be filed, a copy, including a photocopy or facsimile transmission of the certification is not acceptable." 37 CFR 1.4(b) (emphasis added.)

A handwritten signature in dark ink, appearing to read "Clarence A. Green", written over a horizontal line.

**SIGNATURE OF ATTORNEY**

Reg. No.: 24,622

Clarence A. Green

Tel. No.: (203) 259-1800

Type or print name of attorney

Perman & Green, LLP

Customer No.: 2512

P.O. Address

425 Post Road, Fairfield, CT 06430

NOTE: The claim to priority need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath or declaration as required by § 1.63.

(Transmittal of Certified Copy [5-4])

**COPY**

Helsinki 28.2.2001

ETUOIKEUSTODISTUS  
PRIORITY DOCUMENT

Hakija Applicant	Nokia Mobile Phones Ltd Espoo
Patenttihakemus nro Patent application no	20001741
Tekemispäivä Filing date	02.08.2000
Kansainvälinen luokka International class	H04L
Keksinnön nimitys Title of invention	"A communication service" (Kommunikaatiopalvelu)

Täten todistetaan, että oheiset asiakirjat ovat tarkkoja jäljennöksiä patentti- ja rekisterihallitukselle alkuaan annetuista selityksestä, patenttivaatimuksista, tiivistelmästä ja piirustuksista.

This is to certify that the annexed documents are true copies of the description, claims, abstract and drawings originally filed with the Finnish Patent Office.

  
Pirjo Kaila  
Tutkimussihteeri

Maksu 300,- mk  
Fee 300,- FIM

COPY

Osoite:	Arkadiankatu 6 A	Puhelin:	09 6939 500	Telefax:	09 6939 5328
	P.O.Box 1160	Telephone:	+ 358 9 6939 500	Telefax:	+ 358 9 6939 5328
	FIN-00101 Helsinki, FINLAND				

## A COMMUNICATION SERVICE

5 This invention relates to communication services. It is related particularly, but not exclusively, to streaming in a multimedia messaging service.

Electronic mail, or e-mail is a messaging service, which allows quick and economical communication in electronic form. Using the Internet, e-mail messages can be sent all over the world, in many cases practically free of charge.  
10 Furthermore, the same message can be sent to a plurality of recipients. This technique is called multicasting. As the relaying of messages is entirely automated, the messages can arrive very shortly after they are sent. E-mail messages can carry computer files such as documents, program files, and different media files like audio- or video clips.

15

Ordinary home users having Personal Computers (PCs) prefer not to have a permanent connection to their e-mail system (for example to the Internet) but rather to set up a temporary and remote connection to an e-mail server that stores messages received since a previous e-mail reading session. Using this kind of  
20 connection and an e-mail reading program, new e-mails can be transferred from the e-mail server to the memory or a hard disk of the PC and then be read either while the connection is still extant, or alternatively after the connection has been closed. The transmission of data between the home PC and the e-mail server is typically carried out using a modem attached to the PC.

25

In the following, the term "sender" refers to a device that sends data intended for a receiver and "receiver" refers to a device that receives the data and to which the data was intended. The operation of e-mail systems is well known to a person ordinarily skilled in the art, but some major principles are next described at a  
30 generic level.

Figure 1 shows a schematic diagram of an Internet-based e-mail system 10 comprising a sender 11, a receiver 15 and, the Internet 12 having a sender's e-

COPY

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**